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In re Application of:	:	
LAUFF, Markus, et al.	:	DECISION ON RENEWED
U.S. Application No.: 10/583,184	:	PETITION UNDER
PCT No.: PCT/EP2004/053478	:	37 CFR 1.47(a)
International Filing Date: 15 December 2004	:	
Priority Date: 18 December 2003	:	
Atty's Docket No.: 2058.101US1	:	
For: METHOD AND COMPUTER	:	
SYSTEM FOR DOCUMENT	:	
AUTHORING	:	

This decision is issued in response to applicants' "Renewed Petition Under Rule 1.47(a)" filed 09 May 2008. No additional petition fee is required.

BACKGROUND

In a decision mailed on 03 March 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an express statement of the last known addresses for the two non-signing inventors and an acceptable showing that the non-signing inventors had refused to execute the application or cannot be located after diligent effort.

On 09 May 2008, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes an express statement of the last known addresses of the non-signing inventors, satisfying this requirement of a grantable petition.

The renewed petition also includes supplemental materials regarding the efforts made to obtain the signatures of the non-signing inventors. Specifically, applicants have provided a statement from Carol S. White, with supporting documents, providing firsthand evidence that signature requests, accompanied by copies of the complete application, were forwarded to the last known addresses of the non-signing inventors on 18 March 2008, and that these materials were returned as undeliverable.

The renewed petition also includes a statement from Christine Chaux-Luedtke, with supporting delivery receipts, providing firsthand evidence that signature requests, accompanied

by copies of the complete application, were forwarded to the last known addresses of the non-signing inventors on 07 June 2006 and 04 July 2006. This statement, and the supporting delivery receipts, indicates that the materials were successfully delivered to inventor Samuel RETHORE, but that the materials were not delivered to inventor Florent NICOULAND (notice of the packages were left at Mr. NICOULAND's address, but Mr. NICOULAND never went to the post office to claim the packages).

The statement of Ms. Chaux-Luedtke provides an acceptable showing that a request for signature, with a copy of the complete application, was delivered to non-signing inventor Samuel RETHORE. Mr. RETHORE's failure to provide the requested declaration in response to this request provides an adequate showing that this inventor has refused to execute the application. Thus, the final element of a grantable petition under 37 CFR 1.47(a) is satisfied with respect to inventor Samuel RETHORE.

However, with respect to inventor Florent NICOULAND, the record indicates that the signature requests forwarded to this inventor's address, both in 2006 and in 2008, have not been received by this inventor. Nor is there clear evidence that the inventor has refused to accept delivery of the application papers forwarded for signature. The present record therefore fails to support a conclusion that this inventor has refused to execute the application. Rather, it appears that applicants have been unable to locate this inventor and provide him with a signature request. Applicants have not provided evidence that a diligent effort has been undertaken to locate a current address for this inventor.¹ Thus, the present record also fails to support a conclusion that Florent NICOULAND cannot be located after diligent effort.

Because applicants have not provided an acceptable showing that inventor Florent NICOULAND has refused to execute the application or cannot be located after diligent effort, the final requirement of a grantable petition therefore remains unsatisfied with respect to this inventor.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy the final requirement of a grantable petition, that is, an adequate showing that non-signing inventor Florent NICOULAND has refused to execute the application or cannot be located after diligent effort. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

¹ See MPEP section 409.03(d)(I) regarding the requirements for a showing of a diligent search to locate an inventor. Note that any such effort should include, but not be limited to, an internet search, with the results of such search being made of record.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'RMR', followed by a large, stylized capital 'R'.

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